



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/972,916 Confirmation No.: 4645  
Applicant : Peter M. THULÉ, M.D.  
Filed : October 10, 2001  
Title : GLUCOSE SENSITIVE REGULATOR OF INSULIN  
TRANSCRIPTION  
Group Art Unit : 1635  
Examiner : Angell, Jon E.  
Atty. Docket No. : US 1292/01(VA)  
Date : April 21, 2004

**RESPONSE**  
**TO**  
**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS**  
**CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE**  
**DISCLOSURES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Notice to Comply With Requirements For Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures included  
with the Office Action of February 25, 2004, attached hereto are the following:

1. A substitute paper copy of Sequence Listing; and
2. A replacement diskette (2 copies) containing the Substitute Sequence Listing; and
3. Copy of Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

It is submitted that the substitute paper copy, and the replacement diskette containing the Sequence Listing, include no new matter. Further, it is submitted that the amendments to the Sequence Listing are fully supported by the application, as filed. These amendments are being made to provide sequence identifiers for the sequences noted on pages 44, 45 and 53 of the application, as required by the Notice to Comply.

Finally, it is submitted that the content of the Sequence Listing information recorded on the replacement diskette (2 copies) is identical to the substitute copy of the Sequence Listing provided herewith.

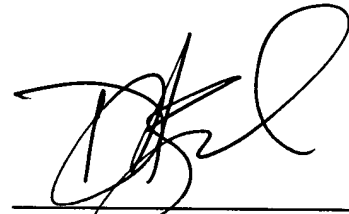
It is believed that no fee is due for this submission. Should that determination be incorrect, however, the Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment, to our Deposit Account No. 01-0433, and notify the undersigned in due course.

Appl. No. 09/972,916

Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide  
Sequence and/or Amino Acid Sequence Disclosures dated April 21, 2004  
Reply to Office Action of February 25, 2004

Should the Examiner have any questions or wish to discuss further this matter,  
please contact the undersigned at the telephone number provided below.

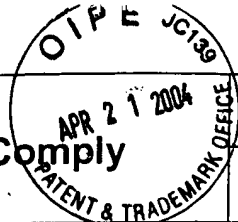
Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'D. Agarwal', written over a horizontal line.

DINESH AGARWAL  
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**Notice to Comply**



Applicati n N .

09/972, 916

Applicant(s)

THULE

Examin r

J. Eric Angell

Art Unit

1635

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: *see p. 44, 45, 53 for primer sequences. if new SEQ ID NOS required, must submit new CRF/SEQ listing as well*

**Applicant Must Provide: (if necessary)**

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the **specification**.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

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